

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): VanZandt et al.

Serial No.: 09/845,379

Filed: 04/30/2001

For: Inhibition of Matrix Metalloproteases by Substituted Biaryl Oxobutyric Acids

Group Art Unit: 1626

Examiner: Sackey, E.

ORIGINAL

RECEIVED

DEC 05 2002

TECH CENTER 1600/2900

Assistant Commissioner for Patents
Washington, DC 20231

CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and any papers referred to as attached are being deposited, on the date shown below, with the United States Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 11/25/2002

Eugenia Boshnack
Eugenia Boshnack

#8

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Sir:

The owner, BAYER CORPORATION, of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,925,637. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that said prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The terminal disclaimer fee under 37 C.F.R. 1.20(d) is included.

12/04/2002 BABRAHA1 00000075 133372 09845379

02 FC:1814 110.00 CH

Respectfully submitted,

Date: 25 November 2002

Telephone: (203) 812-2712

Facsimile (203) 812-5492

William F. Gray
William F. Gray
Attorney of Record
Registration No. 31018
Bayer Corporation
400 Morgan Lane
West Haven, CT 06516-4175